

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1606 of 1988

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

SHARDABEN R PANDYA

Versus

DIRECTOR OF EDUCATION

Appearance:

MR RN SHAH for Petitioner

MS MANISHA LAVKUMAR for Respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 06/07/2000

ORAL JUDGEMENT

1. Having heard the learned counsel for the parties,
I am satisfied that this writ petition filed by the
petitioner is wholly misconceived. The order of the
District Education Officer, Ahmedabad is appealable and
it has also been made clear by the said Officer under his
impugned order.

2. Learned counsel for the petitioner has failed to give out any explanation whatsoever why against this order, appeal was not filed by the petitioner before the Director of Higher Education. Otherwise also, where there is no provision of appeal, in such matters, it is always advisable for the management of the school first to approach to the higher authorities in the hierarchy. In such matter, the direct approach to this Court deserves to be deprecated. The special civil application has been admitted and interim relief has been granted in favour of the petitioner on 20th March, 1989. This interim relief continues for all these years.

3. In the result, this special civil application is dismissed. Rule discharged. However, the interim relief granted by the court earlier shall continue till the matter is decided by the appellate authority i.e. the Director of Higher Education of the Government of Gujarat. The petitioner is directed to file an appeal within a period of one month from today and the Director of Higher Education, Government of Gujarat is directed to decide the appeal within a period of two months from the date of receipt of the same. Where the petitioner desires personal hearing, the same may be afforded. In case the appeal is not filed within one month from today, this stay order shall stand vacated automatically without reference to the court.

zgs/-